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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/996,562	11/30/2001	Tsuyoshi Tokoro	216317US-2S CONT	3822

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EXAMINER

CAMPEN, KELLY SCAGGS

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 03/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/996,562

Applicant(s)

TOKORO, TSUYOSHI

Examiner

Kelly Campen 

Art Unit

3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 9/20/05.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

Acknowledgment is made of applicant's claim for priority under 35 U.S.C. 119(a)-(d) based upon an application filed in Japan on August 02, 2000. A claim for priority under 35 U.S.C. 119(a)-(d) cannot be based on said application, since the United States application was filed more than twelve months thereafter.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 10-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Giovannoli (US 5,842,178).

Giovannoli discloses a computer-implemented electronic bid method by a service provider, comprising: registering, through a network, a user as a buyer and merchandise items/service that the buyer wants to buy in a first database; registering, through the network, a user as a seller and merchandise items/services that the seller is offering to sell in a second database; categorizing a plurality of buyers from the first database into groups based upon the merchandise items/services the plurality of buyers want to buy; selecting sellers from the second database who are offering to sell merchandise items/services used to form the group of the

Art Unit: 3624

plurality of buyers and providing potential buyer information to the selected sellers, the potential buyer information including a number of buyers in the same group of the plurality of buyers; and receiving selling information including a selling price of the merchandise items/services to offer from at least one of the selected sellers and providing the selling information to each buyer in the group of the plurality of buyers, wherein the seller determines the selling price of the merchandise items/services based upon the potential buyer information provided to the seller (see abstract and figures 2a, 2b and 3).

Specifically as to claim 11, wherein the potential buyer information includes a purchase request merchandise code information and a quantity but does not include a user ID for specifying a buyer (see abstract and figures 2a, 2b and 3).

Specifically as to claim 12, notifying the seller of a purchase request quantity for each merchandise item (see abstract and figure 5 and 7).

Specifically as to claim 13, registering the merchandise/service includes accessing a predetermined web page or via electronic mail (see abstract and figures 2a, 2b and 3).

Specifically as to claim 14, wherein when merchandise providing information is presented by at least one seller, the buyer checks sales conditions of the merchandise providing information and makes a sales agreement (see abstract and fig6,7 and col. 2-3).

Specifically as to claim 15, deleting the first database information concerning the buyer upon reception of the notification of cancellation of continued will of a purchase request from the buyer, once the sales agreement is made, see abstract and columns 5-7.

Specifically as to claim 16, Giovannoli discloses an electronic bid system by a service provider comprising: means for registering, through a network, a user as a buyer and

Art Unit: 3624

merchandise items/services that the buyer wants to buy in a first database; means for registering, through the network, a user as a seller and merchandise items/services that the seller is offering to sell in a second database; means for categorizing a plurality of buyers from the first database into groups based upon the merchandise items/service the plurality of buyers want to buy; means for selecting sellers from the second database who are offering to sell the merchandise items/services used to form the group of the plurality of buyers and providing potential buyer information to the selected sellers, the potential buyer information including a number of buyers in the group of the plurality of buyers; and means for receiving selling information including a selling price of the merchandise items/services to offer from at least one of the selected sellers and providing the selling information to each of buyers in the group of the plurality of buyers, wherein the seller determines the selling price of the merchandise/service based upon the potential buyer information provided to the seller (see figures 4-7).

Specifically as to claim 17, wherein the potential buyer information includes a purchase request merchandise code information and a quantity but does not include a user ID for specifying a buyer (see above rejection for claim 16).

Specifically as to claim 18, further comprising means for notifying the seller of a purchase request quantity for each merchandise item (see above rejection for claim 16).

Specifically as to claim 19, wherein the means for registering the merchandise/service registers the merchandise/service by accessing a predetermined web page or via electronic mail (see fig. 2a).

Specifically as to claim 20, wherein when merchandise providing information is presented by at least one seller, the buyer checks sales conditions of the merchandise providing information and makes a sales agreement. (see figure 7).

Specifically as to claim 21, means for deleting the first database information concerning the buyer upon reception of the notification of cancellation of continued will of a purchase request from the buyer, once the sales agreement is made, see above rejection for claims 20 and 10.

Response to Arguments

Applicant's arguments filed 9/20/2005 have been fully considered but they are not persuasive.

With regards to applicant's argument that Giovannoli does not teach or suggest all the elements of amended Claim 1[0], Examiner disagrees and directs the applicant to the specific citation and reasoning above for the rejection of claims 10 and 16.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the sellers may determine pricing information based on the potential buyer information, which includes the number of buyers in the group, if the number of potential buyers for a group is very small, the seller can reduce the price because the group of potential buyers is not very interested in the product, if the number of potential buyers for a group is large (i.e. the product is popular among buyers), the seller can raise the price based on the number of potential buyers in a situation where the number of products is limited.) are not recited in the rejected claim(s). Although the

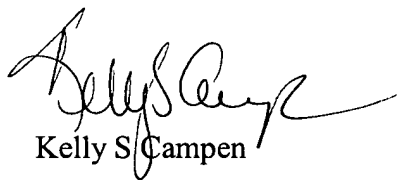
claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kelly Campen whose telephone number is (571) 272-6740. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (571) 272-6747. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kelly S. Campen